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5 **IN THE UNITED STATES DISTRICT COURT**
6 **NORTHERN DISTRICT OF CALIFORNIA**
7 **OAKLAND DIVISION**
8

9 NEERAJ SHARMA, et al.,

10
11 Plaintiffs,

12 vs.

13 VOLKSWAGEN AG, et al.,

14
15 Defendants.
16

Case No. 4:20-cv-02394-JST

STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE INITIAL CASE
MANAGEMENT CONFERENCE, CASE
MANAGEMENT STATEMENT AND
RELATED DEADLINES

The Honorable Jon S. Tigar

17 WHEREAS, on May 20, 2020, the Court issued an order scheduling a joint case
18 management conference in this action for August 25, 2020 at 2:00pm and a deadline for the
19 Parties to submit a joint case management conference statement by August 18, 2020 at 5:00pm;

20 WHEREAS, on July 17, 2020, pursuant to a stipulation among and by the Parties, the
21 Court ordered Plaintiffs file their amended complaint by July 31, 2020;

22 WHEREAS, on July 31, 2020, Plaintiffs filed their Amended Complaint;

23 WHEREAS, pursuant to the order entered by the Court, briefing of the served Defendants'
24 forthcoming motions to dismiss is scheduled to be completed by October 30, 2020;

25 WHEREAS, though Plaintiffs have commenced the procedures for service of process
26 under the Hague Convention, Defendants Volkswagen AG, Audi AG, and Robert Bosch GmbH
27 have not yet been served with process and have not appeared in this case;
28

1 WHEREAS, Robert Bosch LLC (“Bosch LLC”) has asserted that this Court lacks
2 personal jurisdiction over it with respect to this case and, further, that discovery as to Bosch LLC
3 should not proceed prior to resolution of its motion to dismiss, and this stipulation is made subject
4 to Bosch LLC’s jurisdictional objection and without prejudice to any of Bosch LLC’s defenses or
5 arguments, including its right to move for additional relief related to any discovery demands or
6 for a stay of discovery;

7 WHEREAS, Defendants believe that the Court’s rulings with respect to the served
8 Defendants’ forthcoming motions to dismiss will determine which claims, if any, are subject to
9 litigation, and will therefore materially impact the formulation of a joint case management
10 conference statement and proposed discovery schedule;

11 WHEREAS, for these reasons, Defendants believe that judicial economy, as well as the
12 parties’ resources, would be conserved if the motions to dismiss the Amended Complaint are
13 heard before the case management conference is held;

14 WHEREAS, Plaintiffs are willing to accommodate Defendants’ request to adjourn the
15 case management conference to follow briefing of the motions to dismiss but have asked in return
16 that the Rule 26(f) conference be completed in August, 2020;

17 WHEREAS, the Parties have not previously requested a continuance of the August 25,
18 2020 case management conference;

19 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the
20 Parties, that, subject to the Court’s approval:

- 21 1. The parties shall complete their Rule 26(f) conference by August 31, 2020;
- 22 2. The case management conference currently scheduled for August 25, 2020 shall be
23 continued to November 24, 2020 at 2:00pm, or as soon thereafter as is convenient for the Court,
24 when it will be held in Courtroom 6 of the United States District Court for the Northern District
25 of California and by such remote means as the Court may order;
- 26 3. The deadline for the parties to submit a joint case management conference
27 statement shall be extended to November 17, 2020 at 5:00pm;
- 28

4. The parties shall not be obligated to serve Rule 26(a) initial disclosures or respond or object to any discovery requests served until a reasonable date to be agreed following the case management conference or issuance of a case management order, and taking into account any guidance from the Court at the case management conference as to whether discovery should be stayed pending resolution of Defendants' anticipated motions to dismiss.

IT IS SO STIPULATED.

Dated: August 14, 2020

BURSOR & FISHER, P.A.

By: /s/ Joel D. Smith
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 Frederick J. Klorczyk (State Bar No. 320783)
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Dated: August 14, 2020

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1 Dated: August 14, 2020

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[~~PROPOSED~~ ORDER]

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: August 18, 2020



JON S. TIGAR
United States District Judge